

September 2013

# **About the Black Lung Benefits Program**

## The Black Lung Program

The federal Black Lung Benefits Program, administered by the Department of Labor (DOL), provides monthly payments and medical treatment to coal miners who are totally disabled from Black Lung disease due to their employment in or around coal mines. The program also provides monthly payments to certain dependants of miners who died due to Black Lung disease, including surviving spouses, children, adult disabled children, and fully dependent parents, brothers and sisters.

### **How to Apply for Black Lung Program Benefits**

To apply for Black Lung benefits, a current or former miner, or the miner's surviving dependants, can file a claim with the DOL District Director – they're responsible for making an initial determination about a miner's or dependant's eligibility for benefits.

As part of this process, a miner is entitled to a free medical examination to determine whether he or she suffers from Black Lung, and the degree of disability caused by the disease. This evaluation consists of an x-ray reading, a pulmonary function test, an arterial blood gas study, and a medical opinion.

Depending on the outcome of the District Director's decision, either the miner – or the miner's current or former employer – can appeal the decision to an administrative law judge (ALJ). When claims are referred to an ALJ for a hearing, DOL recommends that applicants seek assistance from an attorney who is experienced in Black Lung claims.

Under the law, miners cannot be charged a fee by an attorney if no Black Lung benefits are awarded. If benefits are awarded, the lawyer's fees will be paid by the miner's former employer or the Black Lung Disability Trust Fund.

More information about the Black Lung claims process can be found online: <a href="http://www.dol.gov/owcp/dcmwc/regs/compliance/blbenact.htm">http://www.dol.gov/owcp/dcmwc/regs/compliance/blbenact.htm</a>

## **Widows and Access to Black Lung Benefits**

A widow is eligible for benefits if:

- they prove after their spouse's death that they died from Black Lung disease or were totally disabled from the disease at the time of death; or
- a widow is automatically entitled to benefits if their spouse was awarded Black Lung benefits at the time of their death – in this situation, the widow does not need to prove their spouse's death was due to black lung disease.

# **Department of Labor Offices Serving Southeastern WV**

U.S. Department of Labor Charleston Federal Center, Suite 110 500 Quarrier Street Charleston, WV 25301 800-347-3749

### Serving the remainder of WV

U.S. Department of Labor 425 Juliana Avenue Suite 3116 Parkersburg, WV 26101 800-347-3751

### **National Office**

U.S. Department of Labor
Office of Workers' Compensation Programs
Division of Coal Mine Workers' Compensation
200 Constitution Avenue, NW Room C-3520
Washington, D.C. 20210
800-347-2502

# Senator Rockefeller's Efforts on Black Lung Benefits

Senator Rockefeller has long supported efforts to keep miners and their families safe, secure and healthy. Rockefeller recently introduced The Black Lung Health Improvements Act of 2013 – the legislation requires the Department of Labor to issue rules that would reduce miners' exposure to respirable coal dust that causes Black Lung disease; make it easier for miners to access legal representation when filing Black Lung claims; streamline the process for applying for Black Lung benefits; and require a Government Accountability Office report on any roadblocks miners face when applying for Black Lung benefits, among other important provisions.